

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 797 of 2000

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to
1 see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
3 of the judgment ?

Whether this case involves a substantial question
4 of law as to the interpretation of the constitution
4 of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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G S R T CORPN - Petitioner(s)

Versus

DILIPBHAI M PANDYA - Respondent(s)

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Appearance :

MR HS MUNSHAW for Petitioner No(s).: 1.

MR GK RATHOD for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 05/07/2005

ORAL JUDGMENT

1. This petition is directed against the judgment and award dated 6th August, 1999 passed by the Industrial Tribunal, Nadiad in Reference [I.T.] No. 130 of 1998, whereby the Industrial Tribunal had directed the petitioner

Corporation to regularize the service of the respondent workman as full time Traffic Controller along with four increments w.e.f. 1st October, 1999 and treat the service of the respondent workman as regular service w.e.f. 1st January, 1991 for the purpose of payment of gratuity.

2. The short facts of the case are that the name of respondent workman appeared at Sr. No. 2 in the waiting list prepared for the post of Traffic Controller. On 6th May, 1972 the respondent workman was issued an appointment letter for the post of part time Traffic Controller with specific conditions. The respondent workman resumed his duties on 9th May, 1972 and thereafter he continued to work as part time Traffic Controller. Thereafter in the year 1977, the respondent workman applied for the post of Full Time Traffic Controller, but due to over age, his application was not considered.

2.1. Being aggrieved by the said action of the petitioner Corporation, the respondent workman raised an industrial dispute which was ultimately referred to the Industrial Tribunal for adjudication. The Industrial Tribunal after considering the case on merits allowed the Reference with the aforesaid directions. Hence, this petition.

3. I have heard the learned counsel for the respective parties. Having perused the materials placed on record, it transpires that the Industrial Tribunal has not

committed any error in regularizing the services of the respondent workman as full time Traffic Controller. The Industrial Tribunal has found that if the workman had continuously worked for part time, he should be regularized in service, so that he can get the benefits at the time of retirement. Thus, I am in complete agreement with the reasonings adopted and findings arrived at by the Labour Court for regularizing the services of the respondent workman as full time Traffic Controller along with four increments w.e.f. 1st October, 1999.

4. In the result, the petition is dismissed. Rule is discharged with no order as to costs. Interim relief if any, stands vacated.

[K.S. JHAVERI, J.]

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